

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DELORIS PHILLIPS, )  
Plaintiff, )  
vs. ) No. 3:22-CV-1598-X-BH  
 )  
TEXAS DEPARTMENT OF )  
INSURANCE- DIVISION OF )  
WORKERS COMPENSATION, et al., )  
Defendant. ) Referred to U.S. Magistrate Judge<sup>1</sup>

RECOMMENDATION REGARDING REQUEST TO PROCEED IN  
FORMA PAUPERIS ON APPEAL AND MOTION FOR HEARING

Before the Court is *Plaintiff-Appellant's Verified Motion for Leave to File Motion to Proceed In Forma Pauper With Attached Affidavit and Motion for Evidentiary Hearing*, filed January 25, 2023 (doc. 23).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be **DENIED** because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation, filed in this case on July 25, 2023 (doc. 4). The motion for an evidentiary hearing should also be **DENIED**.

If the Court denies the request to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 26th day of January, 2023.

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>By 28 U.S.C. § 636(b) and *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.